

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

TRANSPERFECT GLOBAL, INC.,
TRANSPERFECT TRANSLATIONS
INTERNATIONAL, INC., AND
TRANSLATIONS.COM, INC.,

Plaintiffs/Counter-Defendants,

V.

MOTIONPOINT CORPORATION,

Defendant/Counterclaimant.

Case No. CV 10-02590 CW (JCS)

**[PROPOSED] ORDER GRANTING
TRANSPERFECT'S POST-JUDGMENT
MOTIONS AND DENYING
MOTIONPOINT'S POST-JUDGMENT
MOTIONS**

Judge: Hon. Claudia Wilken

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[PROPOSED] ORDER

2 Now before the Court are plaintiffs TransPerfect Global, Inc.’s, TransPerfect Translations
3 International, Inc.’s, and Translations.com, Inc.’s (collectively, “TransPerfect”) Motions (D.N.
4 489-3): (1) to Amend the Judgment to Award Supplemental Damages and Pre- and Post-
5 Judgment Interest; (2) to Amend the Permanent Injunction to Bind Those in Active Concert or
6 Participation with MotionPoint; (3) for Judgment as a Matter of Law that MotionPoint Induces
7 Infringement; (4) for Judgment as a Matter of Law that MotionPoint Contributes to the
8 Infringement of the ‘022 Patent; and (5) to Find This Case Exceptional and Award TransPerfect
9 its Attorneys’ Fees (collectively “TransPerfect’s Consolidated Post-Judgment Motions”).
10 Having reviewed and considered these motions and materials submitted therewith, and any
11 additional argument or evidence received by the Court, the Court finds that good cause exists to
12 grant TransPerfect’s Consolidated Post-Judgment Motions. Accordingly, TransPerfect’s
13 Consolidated Post-Judgment Motions are GRANTED. It is hereby ORDERED that:

14 1. TransPerfect’s Motion to Amend the Judgment to Award Supplemental Damages
15 and Pre- and Post-Judgment Interest is GRANTED. An Amended Judgment
16 reflecting new damages will be entered separately;

17 2. TransPerfect’s Motion to Amend the Permanent Injunction to Bind Those In
18 Active Concert or Participation With MotionPoint is GRANTED. An Amended
19 Permanent Injunction will be entered separately and MotionPoint shall give notice
20 to those in active concert or participation with it, including its customers of
21 infringing products and/or services of the injunction within thirty (30) days;

22 3. TransPerfect’s Motion for Judgment As a Matter of Law that MotionPoint
23 Induces Infringement is GRANTED;

24 4. TransPerfect’s Motion for Judgment As a Matter of Law that MotionPoint
25 Contributes to the Infringement of the ‘022 Patent is GRANTED;

26 5. TransPerfect’s Motion to Find This Case Exceptional and Award TransPerfect its
27 Attorneys’ Fees is GRANTED. The Court finds this case exceptional and
28 partially awards TransPerfect its attorneys’ fees and costs of \$13,262,263.

1 Now also before the Court is defendant MotionPoint Corporation's Motion for Judgment
 2 as a Matter of Law Pursuant to Federal Rules of Civil Procedure 50 and 59 (D.N. 486)
 3 ("MotionPoint's Consolidated Post-Judgment Motions"). Having reviewed and considered the
 4 motion and materials submitted therewith, and any additional argument or evidence received by
 5 the Court, the Court finds that MotionPoint has failed to make a showing that it is entitled to the
 6 relief requested. Accordingly, MotionPoint's Consolidated Post-Judgment Motions are
 7 DENIED. It also is hereby ORDERED that:

- 8 1. MotionPoint's request at Section I of its motion to vacate the damages award is
 9 DENIED;
- 10 2. MotionPoint's motion for judgment as a matter of law that it does not infringe
 11 claims 11, 17, 23, and 24 of TransPerfect's U.S. Patent No. 6,857,022 (the "'022
 12 patent") is DENIED;
- 13 3. MotionPoint's motion for judgment as a matter of law that it does not infringe all
 14 the asserted claims of the '022 patent, claims 11, 17, 23, 24, 26, and 27, is
 15 DENIED;
- 16 4. MotionPoint's motion for judgment as a matter of law that the asserted claims of
 17 the '022 patent are invalid is DENIED;
- 18 5. MotionPoint's request at Section V of its motion, which the Court interprets as a
 19 motion to reconsider or vacate the permanent injunction, is DENIED;
- 20 6. MotionPoint's request at Section VI of its motion, which the Court interprets as a
 21 motion to amend the permanent injunction, is DENIED;
- 22 7. MotionPoint's request at Section VII of its motion, which the Court interprets as a
 23 motion for remittitur or to vacate the damages award, is DENIED;
- 24 8. MotionPoint's motion for judgment as a matter of law that TransPerfect infringes
 25 claims 32 and 34 of U.S. Patent No. 7,580,960, claims 12 and 19 of U.S. Patent
 26 No. 7,627,817, and claims 16 and 18 of U.S. Patent No. 7,627,479 (collectively,
 27 the "MotionPoint patents") or, in the alternative for a new trial on infringement, is
 28 DENIED; and

1 9. MotionPoint's motion for judgment as a matter of law in MotionPoint's favor on
2 that the MotionPoint patents are not invalid or, in the alternative, for a new trial
3 on the validity of the MotionPoint patents, is DENIED.

4 **IT IS SO ORDERED.**

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6 Dated: _____, 2014

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8 Honorable Claudia Wilken
9 United States District Court Judge

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